

EXHIBIT

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From: [Scutero, Peter \(LAW\)](#)
To: [Marsella, John](#); [AG-NYPDLitigation](#); [PayneLitigationTeam@nyclu.org](#); [rolonlegalteam@aboushi.com](#); [GrayLegalTeam@dwt.com](#); [Weng, Jenny \(Law\)](#); [NYC Law Protest Team](#); [Zimmerman, Tobias \(Law\)](#); [Robinson, Amy \(LAW\)](#); [Hiraoka JR., Joseph \(LAW\)](#)
Subject: RE: [EXTERNAL] Follow Up After Meet and Confer - Administrative Guide provisions - Amendments to be produced
Date: Thursday, June 22, 2023 4:39:00 PM

Good afternoon John,

Thank you for meeting with us yesterday and withdrawing some of your requests.

As mentioned during our meeting, we expect to be able to provide the status for producing ten Guide provisions tomorrow. We have not yet committed to producing, on a rolling basis, the rest of the Guide provisions you requested, but only suggested that as a potential solution, requiring further approvals and discussions, to resolve this dispute. Any resolution of this dispute through a production on a rolling basis, as mentioned yesterday, would have to include a timetable of production dates (not all) that arise after June 30th. This suggestion is still an option should Plaintiffs wish to further engage with us on the details. Otherwise, the City maintains its objections to the requests made in paragraphs 1, 2, 4, 5, 6, and 7. We will not agree to granting access to the shared drive as it contains materials that Plaintiffs are not entitled to in this case.

Peter Scutero
New York City Law Department

From: Marsella, John <John.Marsella@ag.ny.gov>
Sent: Thursday, June 22, 2023 11:03 AM
To: AG-NYPDLitigation <AG.NYPDLitigation@ag.ny.gov>; PayneLitigationTeam@nyclu.org; rolonlegalteam@aboushi.com; GrayLegalTeam@dwt.com; Weng, Jenny (Law) <jweng@law.nyc.gov>; Scutero, Peter (LAW) <PScutero@law.nyc.gov>; NYC Law Protest Team <NYCLawProtestTeam@law.nyc.gov>; Zimmerman, Tobias (Law) <tzimmerm@law.nyc.gov>; Robinson, Amy (LAW) <arobinso@law.nyc.gov>; Hiraoka JR., Joseph (LAW) <jhiraoka@law.nyc.gov>
Subject: [EXTERNAL] Follow Up After Meet and Confer - Administrative Guide provisions - Amendments to be produced

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Hello Mr. Scutero,

Thanks again for taking the time yesterday to meet and confer regarding our June 6, 2023, requests for the administrative guide.

To follow up on our conversation, I believe that we could resolve our outstanding discovery dispute if you were to grant access to the Management Orders and Directive Section shared drive so we can

manually search, copy, and download the applicable procedures. This would eliminate any burden on the defendants.

If that option doesn't work, we are willing to make the following adjustments to our June 6th request:

Paragraph 3 - I am withdrawing the request contained in paragraph 3, for "confirmation that for each procedure that has a blank "LAST REVISION" that there have been no changes made to that procedure since the date it became effective" as this question has been answered by Chief Michael Baker during his 30(b)(6) deposition.

Paragraph 7 – I am withdrawing the request for the following three procedures – 316-33, 316-37, and 322-04. Policy 316-33 has since been produced. Policy 316-37 and 322-04 have been confirmed to be the policy in effect during the protest period.

Our requests under Paragraph 1, 2, 4, 5, 6 remain.

Additionally, during our call you indicated that you could produce ten procedures at a time on a rolling basis that are responsive to our Paragraph 7 request. Can you please confirm your production timeline? If we are unable to confirm that the demands contained in Plaintiff's June 6th letter will be met by June 30, 2023 by today at 5:00 PM we will have to file a revised version of our June 20th letter with the Court.

Thank you for your attention to this,

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